



Appeal Decision

Site visit made on 26 June 2024

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 July 2024

Appeal Ref: APP/Z0116/W/23/3334634

357 Filton Avenue, Horfield, Bristol BS7 0BD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Harpreet Sehmbi & Harinder Kaur Sehmbi against the decision of Bristol City Council.
 - The application Ref is 22/05818/F.
 - The development proposed is the change of use of part of the Ground Floor to Takeaway use (Sui Generis), and part of the Ground and First Floors to an 8-bedroom HMO (Sui Generis); new extract flue for Takeaway. Extension of existing 2-bedroom flat to create a 3-bedroom flat.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published in December 2023 a revised version of the National Planning Policy Framework (the Framework). I am satisfied that no party would be prejudiced by making reference to the Framework in this decision.

Main Issues

3. The main issues in this case are:
 - the effect of the development on the living conditions of the neighbouring occupants, with respect to outlook, light and privacy;
 - the effect of the development on the character and appearance of the surrounding area; and
 - whether the proposal makes acceptable provision for bin storage and bicycle parking.

Reasons

Living conditions

4. The proposal would provide for 8 bedrooms within the HMO. The ground floor bedrooms (1-6) would be served by windows facing courtyard areas. These enclosed courtyard areas are limited in size, and the outlook from these windows therefore would be mostly of substantial and visually dominant walls in close proximity. Other than bedroom 3, these would be the only windows, save for rooflights, serving these rooms, and occupants would be provided with a substantial sense of enclosure. Some planting/landscaping would not soften

the significant and prominent mostly blank elevation facing the windows to any great degree, nor effect their proximity.

5. The rooflights, given their high ceiling position would result in a restricted outlook as views would only be possible by looking directly up into them. Even if HMO rooms are inhabited on a short term basis, occupants would likely spend the majority of their time within the bedrooms. As such, whilst the rooms, including communal space, would meet the minimum floorspace requirements, the lack of outlook to these bedrooms would harm the living conditions of future occupiers.
6. The proposed windows, facing small, enclosed spaces, would provide limited natural light into these bedrooms. However, each room would be served by a rooflight in a close to flat roof, and there remains sufficient space around the building and rooflights to ensure that sufficient natural light would reach these modestly sized rooms.
7. The windows serving rooms 2, 3, and 5 do not directly face other windows, or where they do in the case of room 2, the office store/room windows would be obscure glazed. As such, there would be no opportunity for direct overlooking and the occupants of each room would have an acceptable level of privacy in this regard.
8. Nevertheless, I conclude that the proposal would provide unacceptable living conditions for future occupiers in relation to outlook. I therefore find that the proposal conflicts with the high quality development, good standard of accommodation and healthy environment requirements of Policies BCS18 and BCS21 of the Bristol City Council Development Framework Core Strategy (2011) (CS) and Policies DM2, DM27 and DM29 of the Bristol City Council Site Allocations and Development Management Policies (2014) (DM). There is also conflict with the Framework, in relation to the requirement to providing a high standard of amenity for future users.

Character and appearance

9. The appeal relates to a two-storey end of terrace property located on Filton Avenue, a lengthy road of mixed character and use. The two storey terrace has commercial units on the ground floor of differing shop front design, and residential above. The consistency of the terrace, in terms of its general scale, proportions and roof form, matches that of the terraces opposite and nearby and contributes positively to character and appearance of the immediately surrounding area.
10. The proposed side extension to the appeal property would replace an existing single storey side projection and would match the building line and form of the terrace, including its hipped roof. The extension would be slightly narrower than other units within the terrace, however it would be read as an extension to the end unit, resulting in a wider end unit similar to the unit found on the opposite end of the terrace. Ridge and eaves levels generally fall in height every pair of units to correspond with the road level moving south. The maintaining of the ridge and eaves height for the extension would follow this pattern and appear appropriate.
11. Whilst the proposed first floor windows would also be slightly closer to each other in position than those existing at the appeal property, they would appear

sufficiently similar to maintain and respect the general pattern and rhythm of fenestration. They would not appear cramped nor awkward and would sit comfortably within the existing terrace frontage.

12. Given the variety in ground floor shopfront design, including scale of glazed areas, the additional doorways and ground floor frontage design would also not appear incongruous nor awkward, and would be an improvement in this respect compared to the large opening/garage door and roller shutter serving the storage area in the existing single storey side projection.
13. The form of the terrace as a whole would therefore remain legible, and the development would result in a well-proportioned and balanced form that would sit comfortably with the existing consistent character and appearance of the street scene. It would therefore not be overly prominent in this regard.
14. The proposal would not harm the character and appearance of the area. As such, I find no conflict with CS Policy BCS21 and DM Policies DM26, DM27 and DM30 which seek, amongst other things, to ensure that development contributes positively to an area's character and identity and the broader street scene. There is also no conflict with the Framework which seeks good design, sympathetic to local character.

Bin and cycle storage

15. The proposed bicycle and bin storage would be located close to the entrance of the HMO, accessed off the entrance corridor. The corridor would not be too narrow to prevent access with a bicycle and given the short distance to the front door, there would not be any significant difficulty in manoeuvring required to access the store. Even if a larger opening to the bin storage area was required to comply with local standards, this could be secured through a condition, were I minded to allow the appeal.
16. As such, I conclude that the proposal would make an acceptable provision for bin storage and bicycle parking. There is therefore no conflict with CS Policy BCS10 and DM Policies DM23 and DM32 which collectively require development to reflect transport user priorities, provide safe and adequate access to cycle facilities and safe and convenient access to recycling and refuse provision. There is also no conflict with the general high quality design goals of the Framework in this respect.

Planning Balance and Conclusion

17. Set against the harm identified there would be limited social and economic benefits associated with the proposal, from the construction process and occupation of the HMO. However, 1 additional unit would make little difference to the overall supply of housing and the support one HMO would provide to the local economy would also be insignificant. The lack of harm identified in other respects, such as the proportion of HMO in the vicinity, is to be expected in any development and does not weigh in favour of the proposal.
18. The Framework seeks to safeguard the amenity of existing development by promoting health and wellbeing as well as achieving appropriate levels of privacy and outlook. As such the conflict with BCS Policy BCS21 and DM Policies DM14, DM27 and DM29 should be given significant weight in this appeal.

19. The Framework gives substantial weight to the value of using suitable brownfield land within settlements, and supports the efficient use of land. Nevertheless, given the conflict identified above, the development would conflict with the development plan as a whole.
20. The Council do not dispute it is falling significantly short of the required housing land supply, set out by the appellant at 2.2-2.4 years, and that there is an urgent need for housing in the Bristol area. Therefore, having regard to Framework footnote 8, Framework paragraph 11d) applies.
21. As described above the benefits associated with 1 unit would be limited even taking account of the objective of boosting significantly the supply of housing in the Framework and the Council's housing land supply position, particularly in relation to a shortage of supply and increased demand for rental accommodation and HMO's/single person household accommodation and subsequent impact on rent levels. The Framework also gives substantial weight to the living conditions of future residents.
22. Consequently, the poor quality living conditions would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.
23. The proposal is contrary to the development plan as a whole and there are no other material considerations of sufficient weight to indicate a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed, and planning permission is refused.

B Phillips

INSPECTOR